

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAFAR AMIRI, *et al.*,
Plaintiffs,
v.
U.S. CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,
Defendants.

Case No. 2:23-cv-01938-KJM-JDP (PS)

FINDINGS AND RECOMMENDATIONS

THAT THIS ACTION BE DISMISSED FOR
FAILURE LACK OF PROSECUTION,
FAILURE TO COMPLY WITH COURT
ORDERS, AND FAILURE TO COMPLY
WITH LOCAL RULES

Defendants filed a motion to dismiss, which was previously noticed for hearing on March 14, 2024. ECF Nos. 11 & 13. After plaintiffs failed to timely respond to that motion, I continued the hearing on defendants' motion and ordered plaintiffs to show cause why sanctions should not be imposed for their failure to comply with the court's local rules. ECF No. 15. I also ordered plaintiffs file an opposition or statement of non-opposition to defendants' motion by no later than March 19, 2024. *Id.* I warned plaintiffs that failure to comply with that order could result in a recommendation that this action be dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with local rules. *Id.*

The deadline has passed, and plaintiffs have not filed an opposition to defendants' motion or otherwise responded to the March 5, 2024 order.

1 Accordingly, it is hereby ORDERED that the April 11, 2024 hearing on defendants'
2 motion to dismiss is vacated.

3 Further, it is RECOMMENDED that:

4 1. This action be dismissed for failure to prosecute, failure to comply with the court's
5 local rules, and failure to comply with court orders.

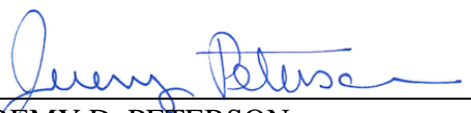
6 2. Defendants' motion to dismiss, ECF No. 11, be denied as moot.

7 3. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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18 IT IS SO ORDERED.

19 Dated: April 9, 2024

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21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
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